

ECAF #: 20056626  
(council use only)



**SNOHOMISH COUNTY**  
**Public Works**

**CONDEMNATION MEMORANDUM**

**TO:** **DEBBIE ECO**, Clerk of the Council

**ELECTRONIC COPIES TO:** **DEBBIE ECO**, Clerk of the Council; **RANDY REED**, Assistant to the Clerk of the Council; **MARCIA ISENBERG**, Executive Director; **STEVE THOMSEN**, Public Works Director; **JANICE FAHNING**, Public Works Engineering Services Director; **JASON CUMMINGS**, Chief Civil Deputy Prosecuting Attorney; and **MICHAEL MCVEY**, Public Works Right-of- Way Supervisor

**FROM:** **JOSEPH P. BENNETT**, Special Deputy Prosecuting Attorney

**VIA:** **JANICE FAHNING**, Public Works Engineering Services Director

**DATE:** **JANUARY 21, 2016**

**CONFIRMATION OF EMAIL:** **SENT ON January 28, 2016**

**RE:** **REQUEST FOR AUTHORIZATION TO PROCEED WITH CONDEMNATION**

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We are requesting that the Snohomish County Council authorize the attached motion to proceed with condemnation for the following property:

Project Title: Seattle Hill Road: 35<sup>th</sup> Ave SE to 132<sup>nd</sup> St SE  
Project Number: RC 1635  
Parcel Number: 042

Owner Name: Alice Y. Moberg  
Site Address: 13525 Seattle Hill Road, Snohomish, WA 98296  
Mailing Address: 2910 166<sup>th</sup> Place SE, Bothell, WA 98012  
Tax Parcel Number: 280533-001-053-00

Please notify Michael McVey, Public Works Right-of-Way Supervisor, at [m.mcvey@snoco.org](mailto:m.mcvey@snoco.org) when the Council staff has scheduled an Executive Session for this item.

**SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON**

**MOTION NO. 16-064**

**AUTHORIZING THE PROSECUTING ATTORNEY TO  
COMMENCE CONDEMNATION PROCEEDINGS**

**Seattle Hill Road: 35<sup>th</sup> Ave SE to 132<sup>nd</sup> St SE**

**RC 1635**

**Parcel 046**

WHEREAS, it is a necessary and proper governmental purpose for Snohomish County to make certain road improvements to an existing County road, namely, Seattle Hill Road: 35<sup>th</sup> Ave SE to 132<sup>nd</sup> St SE and;

WHEREAS, the County Council previously approved the design report, right-of-way plan and funding plan for, Seattle Hill Road: 35<sup>th</sup> Ave SE to 132<sup>nd</sup> St SE and;

WHEREAS, the legal description of the parcel of real property to be acquired and a description of all persons having an interest of record so far as is known to the council or appearing of record, are shown on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the property to be acquired is in accordance with the Council approved Right-of-Way Plan dated, June 12, 2013 on file with the Snohomish County Department of Public Works and consistent with the project prospectus as approved by the Washington State Department of Transportation; and

WHEREAS, the owner(s) and/or all persons having an interest in said real properties are unable to agree upon compensation to be paid by Snohomish County for such properties;

NOW, THEREFORE, ON MOTION:

The County Council finds and determines that the acquisition of the real property described in Exhibits "D" through "G" are necessary for County purposes for certain road improvements to Seattle Hill Road: 35<sup>th</sup> Ave SE to 132<sup>nd</sup> St SE and the Prosecuting Attorney of Snohomish County is hereby authorized and directed to commence condemnation proceedings and make all litigation decisions, including settlement, for said real properties.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Clerk of Council

Attachments:

- Exhibit "A" - Parties in interest
- Exhibit "B" - Vicinity map
- Exhibit "C" - Site Plan
- Exhibit "D" - Legal description for fee acquisition and easement
- Exhibit "E" - Legal description drawing for fee acquisition and easement
- Exhibit "F" - Legal description for temporary easement
- Exhibit "G" - Legal description drawing for temporary easement

## **Exhibit “A”**

### **Parties of Interest:**

**Alice Y. Moberg, as her separate estate**

**Mail Address: 2910 166<sup>th</sup> Place SE, Bothell, WA 98012**

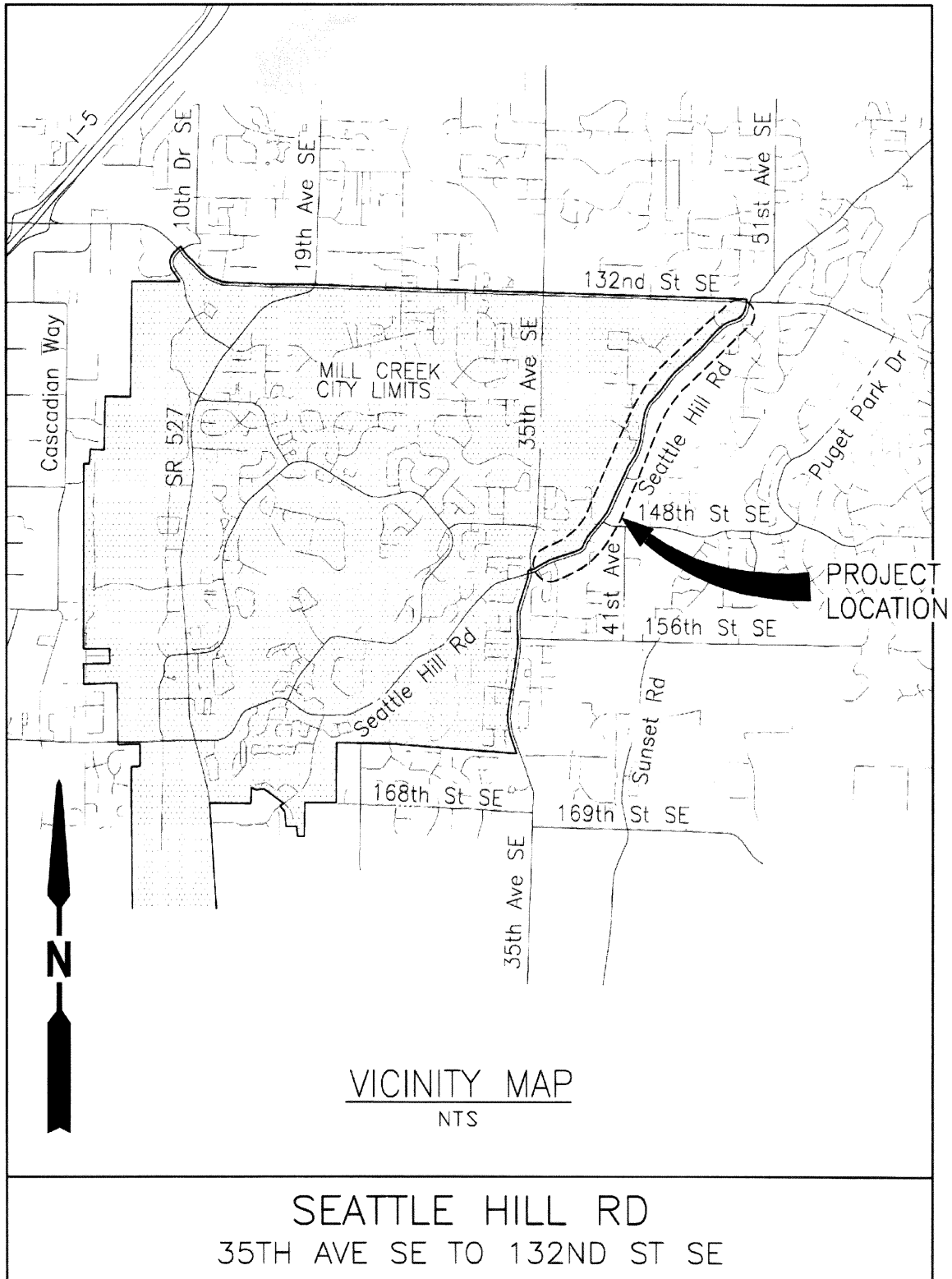
**Site Address: 13525 Seattle Hill Road, Snohomish, WA 98296**

### **Beneficiary:**

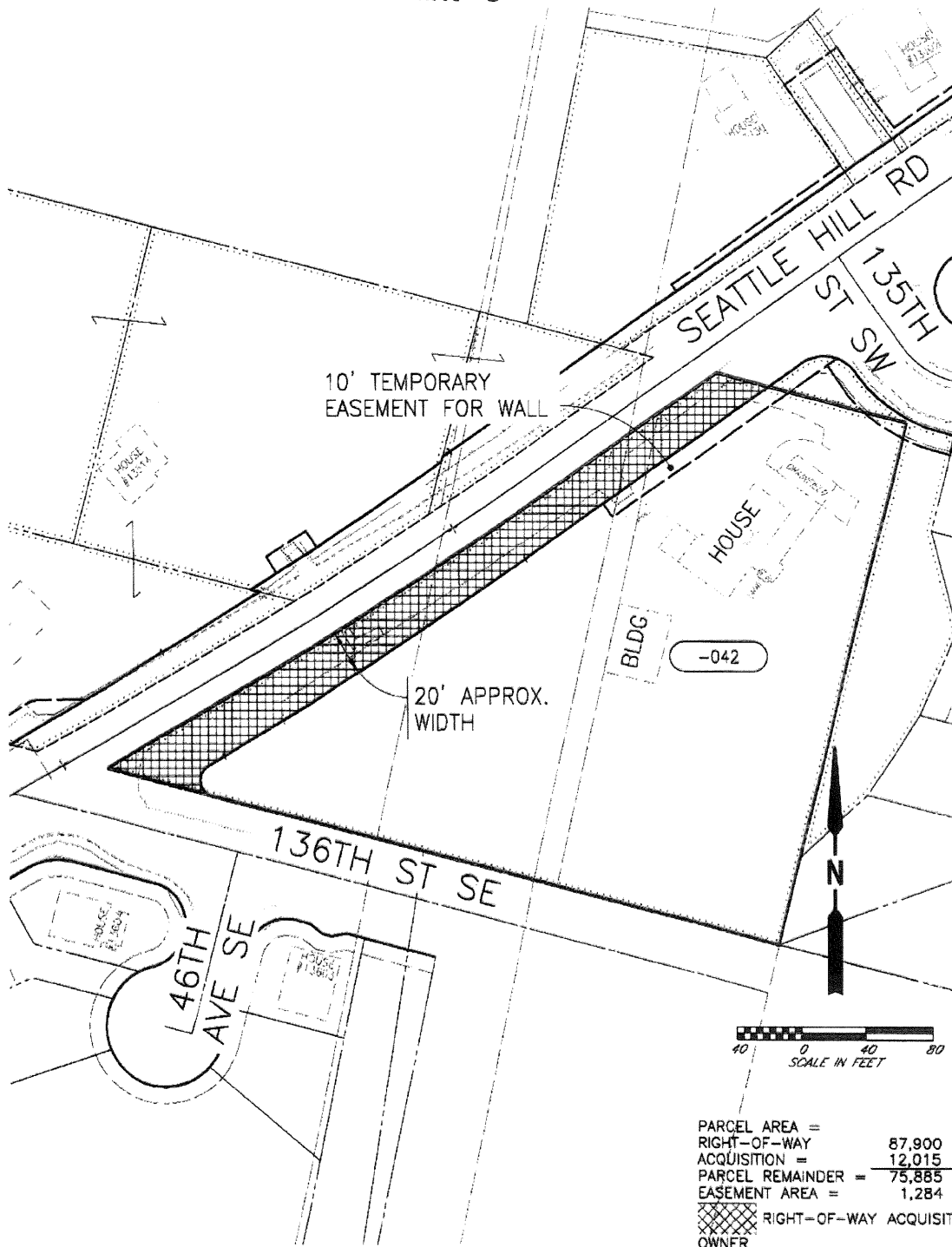
**Mortgage Electronic Registration Systems, Inc., as nominee for Seattle Bank**


**Address: (MERS) PO Box 2026, Flint, MI 48501-2026**

Exhibit "B"



# Exhibit "C"



PARCEL AREA =	
RIGHT-OF-WAY	87,900 S.F.
ACQUISITION =	12,015 S.F.
PARCEL REMAINDER =	75,885 S.F.
EASEMENT AREA =	1,284 S.F.
 RIGHT-OF-WAY ACQUISITION	
OWNER	
ALICE MOBERG	

SEATTLE HILL RD  
35TH AVE SE TO 132ND ST SE

## Exhibit "D"

Seattle Hill Road  
Survey 4034/RC 1635  
Parcel No. 042 (Moberg)  
February 5, 2014

### **PARCEL (042) Existing:**

That portion of the south 5 acres of the east half of the northwest quarter of the northeast quarter of Section 33, Township 28 North, Range 5 East, W.M., lying southeasterly of the Seattle Hill County Road.

Situate in the County of Snohomish, State of Washington.

### **Right-of-Way Acquisition:**

That portion of the south 5 acres of the east half of the northwest quarter of the northeast quarter of Section 33, Township 28 North, Range 5 East, W.M., lying southeasterly of the Seattle Hill County Road.

### **Lying westerly of and contiguous with the following described line:**

**Commencing** at the southeast corner of the northwest quarter of the northeast quarter of Section 33, Township 28 North, Range 5 East, W.M.;  
Thence N88°23'55"W along the south line of said parcel and the northerly margin of 136th Street SE, a distance of 360.63 feet to the beginning of a 10.00 foot radius curve to the right, said point being also the **TRUE POINT OF BEGINNING (TPOB)** of said line description;  
Thence northerly along said curve, through a central angle of 134°40'06", an arc distance of 23.50 feet;  
Thence N46°16'10"E, a distance of 12.04 feet to the beginning of a 3040.00 foot radius curve to the left;  
Thence northeasterly along said curve, through a central angle of 4°09'57", an arc distance of 221.03 feet;  
Thence N42°06'13"E, a distance of 183.08 feet to the north line of said parcel and a point hereinafter referred to as **Point "A"** and the terminus of said line description.

Containing an area of 12,015 square feet, more or less.

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Together with an easement for slope, drainage and utilities over, under and across all that portion of said parcel, lying northerly of and contiguous with the following described line:

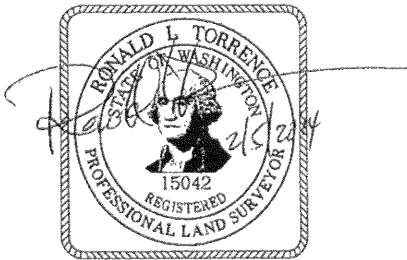
Returning to the aforesaid Point "A";

Thence S88°23'55"E along said north line of said parcel, a distance of 62.28 feet to a point on a non-tangent 101.00 foot radius curve to the left, the radius point of which bears N29°22'13"E, said point being also the **TRUE POINT OF BEGINNING (TPOB)** of said line description;

Thence southeasterly along said curve, through a central angle of 15°45'58", an arc distance of 27.79 feet to the east line of said parcel and the terminus of said line description.

Containing an area of 140 square feet, more or less.

Situate in the County of Snohomish, State of Washington.



Grantor's Initials

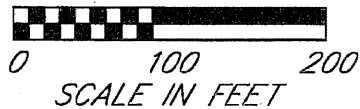
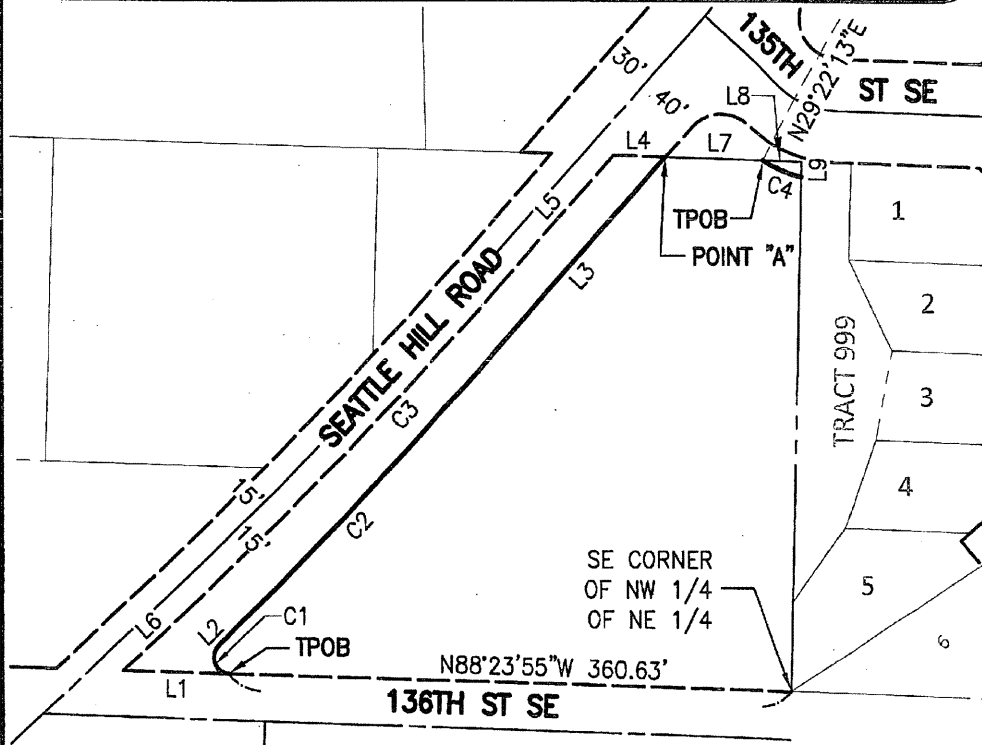
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Sheet 2 of 4

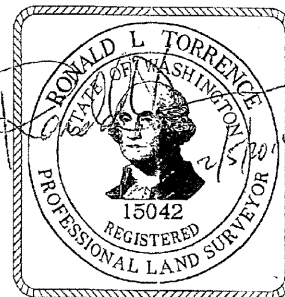
Exhibit "E"

Seattle Hill Road, Parcel 042  
4034/RC1635

SEC. 33, TWP. 28 N, R. 5 E, W.M.



SEE TABLES ON PAGE 4



Seattle Hill Road, Parcel 042  
4034/RC1635



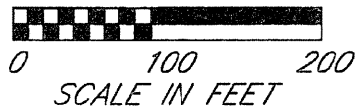
SEC. 33, TWP. 28 N, R. 5 E, W.M.

LINE DATA

LINE #	DIRECTION	LENGTH
L1	S88°23'55"E	67.61
L2	N46°16'10"E	12.04
L3	N42°06'13"E	183.08
L4	N88°23'55"W	32.84
L5	S42°06'13"W	112.53
L6	S47°35'12"W	59.38
L7	S88°23'55"E	62.28
L8	S88°23'55"E	25.98
L9	N1°08'40"E	9.42

CURVE DATA

CURVE #	LENGTH	RADIUS	DELTA
C1	23.50	10.00	134°40'06"
C2	221.03	3040.00	4°09'57"
C3	275.61	2880.00	5°28'59"
C4	27.79	101.00	15°45'58"



## Exhibit "F"

Seattle Hill Road  
Survey 4034/RC 1635  
Parcel No. 042 (Moberg)  
January 31, 2014

### PARCEL (042) Existing:

That portion of the south 5 acres of the east half of the northwest quarter of the northeast quarter of Section 33, Township 28 North, Range 5 East, W.M., lying southeasterly of the Seattle Hill County Road.

Situate in the County of Snohomish, State of Washington.

### Temporary Construction Easement:

That portion of the south 5 acres of the east half of the northwest quarter of the northeast quarter of Section 33, Township 28 North, Range 5 East, W.M., lying southeasterly of the Seattle Hill County Road.

**Commencing** at the northwest corner of aforesaid above parcel, said point being also on the easterly margin of Seattle Hill Road;  
Thence S88°23'55"E along the north line of said parcel and said easterly margin, a distance of 32.84 feet to the **TRUE POINT OF BEGINNING (TPOB)**;  
Thence S42°06'13"W, a distance of 124.11 feet;  
Thence S47°53'47"E, a distance of 10.00 feet;  
Thence N42°06'13"E, a distance of 132.65 feet to the north line of said parcel;  
Thence N88°23'55"W, a distance of 13.19 feet to the **TPOB**.

Situate in the County of Snohomish, State of Washington.

Containing an area of 1,284 square feet, more or less.



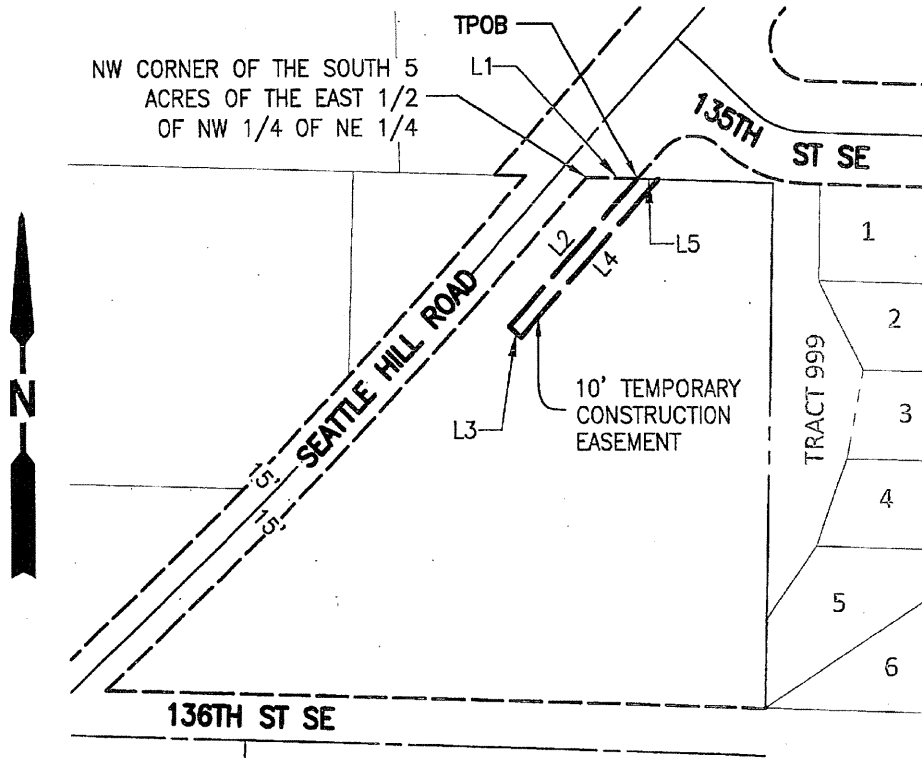
Grantor's Initials

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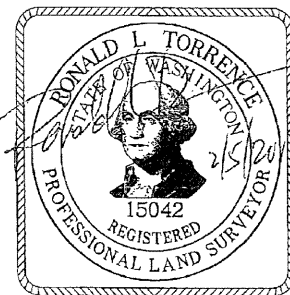
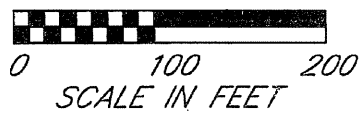
# Exhibit "G"

Seattle Hill Road, Parcel 042  
4034/RC1635

SEC. 33, TWP. 28 N, R. 5 E, W.M.



LINE DATA		
LINE #	DIRECTION	LENGTH
L1	S88°23'55"E	32.84
L2	S42°06'13"W	124.11
L3	S47°53'47"E	10.00
L4	N42°06'13"E	132.65
L5	N88°23'55"W	13.19



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